

REMARKS

This Reply is responsive to the Office Action dated January 21, 2004. Entry of the amendments and remarks submitted herein and reconsideration of the claimed subject matter pursuant to 37 CFR §1.112 are respectfully requested.

Claims 8, 10 and 12 were pending in this application at the time of the Office Action dated January 21, 2004. Applicants have amended claims 8, 10 and 12 above as suggested in the Office Action. In addition, Applicants have added new claims 21-23 directed to fusion proteins comprising the sequence of SEQ ID NO: 5 or SEQ ID NO: 6, and the use thereof in methods for detecting molecules capable of modulating tyrosine kinase activity. Support for the new claims may be found in the specification at page 9, lines 30-31 and in Examples 1 to 3. No prohibited new matter has been added.

Turning now to the Office Action, the specification was objected to for not including a subheading entitled "Brief Description of the Drawings." The specification has been amended above to include the requisite subheading. Accordingly, the objection may now be withdrawn.

The specification was also objected to for failing to include SEQ ID Nos for the sequences listed in Figure 2. The specification has been amended above to include the requisite SEQ ID Nos. Accordingly, the objection may now be withdrawn.

Claim 12 was objected to for using letters to refer to the recited steps rather than numbers. Applicants have adopted the Examiner's suggestion and replaced the letters with numbers by way of amendment above. Accordingly, the objection may now be withdrawn.

Claims 8, 10 and 12 were rejected under 35 U.S.C. §112, first paragraph, because the specification, while being admittedly enabled for the fragment of the PIR domain wherein said fragment consists of SEQ ID NO: 5 or SEQ ID NO: 6 and the method of claims 10 and 12 wherein the fragment consists of SEQ ID NO: 5 or 6, allegedly does not provide enablement for variants, mutations, truncations, alterations and isoforms of SEQ ID NO: 5 and 6. Without agreeing with the rejection, Applicants note that claims 8, 10 and 12 have been amended above to refer to a fragment consisting of SEQ ID NO: 5 or SEQ ID NO: 6 to expedite allowance. Accordingly, the rejection under 35 U.S.C. §112, first paragraph, may be withdrawn.

Claims 8, 10 and 12 were rejected under 35 U.S.C. §112, second paragraph for alleged indefiniteness due to the term “corresponding,” and for including parentheses around the recited SEQ ID Nos. Without agreeing with the rejection, Applicants have amended the claims above to include the transitional phrase “consisting of” as recommended in the Office Action, and to delete the parentheses. Accordingly, the rejections under 35 U.S.C. §112, second paragraph, may be withdrawn.

Claim 8 was rejected under 35 U.S.C. §102(b) as being anticipated by Daly et al. According to the Office Action, Daly teaches the amino acid sequence of Grb14, which encompasses the amino acid sequences of SEQ ID Nos. 5 and 6. Without agreeing with the rejection, Applicants note that claim 8 has been amended above to recite a fragment consisting of SEQ ID NO: 5 or 6. Since Daly et al. does not teach Grb14 fragments consisting of SEQ ID NO: 5 or 6, Daly is not prior art against amended claim 8. Furthermore, new claim 21 is directed to fusion proteins comprising a fragment

consisting of SEQ ID NO: 5 or 6. Since Daly does not teach fusion proteins comprising the recited fragments, Daly is not prior art against new claim 21. Accordingly, the rejection under §102(b) may now be withdrawn.

This reply is fully responsive to the Office Action dated January 21, 2004.

Therefore, a Notice of Allowance is next in order and is respectfully requested.

Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Reply or to the application in general, he is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By Bonnie Weiss McLeod
Bonnie Weiss McLeod
Reg. No. 43,255

Date: June 21, 2004

Customer No. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 739-3000 phone
(202) 739-3001 fax